



PATENT  
Attorney Docket 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Dario C. Altieri et al.** )  
 )  
Application No. **10/042,302** ) Group Art Unit: **1642**  
 )  
Filed: **January 11, 2002** ) Examiner: **Alana M. Harris**  
 )  
For: **Detection of Survivin in the Biological** )  
 **Fluids of Cancer Patients** )

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**

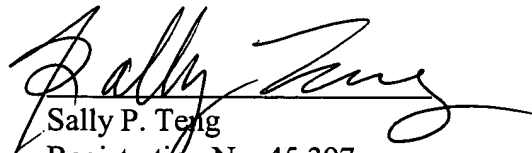
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 9, 2005 of the Examiner finally rejecting claims 1, 3-23, 25-27, 29 and 31-42.

The Commissioner is hereby authorized to charge **\$250.00** (Small Entity) to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 9, 2005**  
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Respectfully submitted,  
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